

Application No. 10/790,344

Communication to Examiner dated April 24, 2007

Remarks

The invention of claim 1, as now presented, is directed to a firearm identification kit configured to be distributed to the owner of a firearm that includes a computer readable data storage medium that stores identifying indicia corresponding to a firearm and at least one image of a spent cartridge case fired by the firearm. The firearm identification kit of claim 1 also includes a recess for at least one spent cartridge case that has been fired by the firearm.

These features are described in the context of certain preferred embodiments in the present specification which provide:

[0017] Preferably, a firearm identification kit is created for every firearm prior to the firearm being sold. Manufacturers may collect the information and create a firearm identification kit when the firearm is manufactured. Alternatively, a gun dealer may create a firearm identification kit prior to selling a firearm to an individual, to be provided to the owner with the gun. For existing firearms, a firearm identification kit may be created as a service by a third party, such as a shooting range, a gun safety organization, or a law enforcement agency. The completed firearm identification kit is then provided to the gun owner. Whenever a firearm is sold or otherwise transferred, the firearm identification kit is also transferred to the new owner.

[0027] For example, protective case 15 of Fig. 1 includes recess 17 for storing cartridge case 13. In the event that a firearm is stolen, the owner may submit the sample cartridge case 13 for tool mark imaging and storage. If a firearm identification kit is available for the gun, the images from the sample cartridge cases may be added to the data storage media already in the kit. Because the gun is stolen, the tool mark imaging data may also be submitted directly to the National Integrated Ballistic Identification Network as crime gun data.

Thus, as described in the specification, the firearm identification kit includes a non-volatile storage medium with a description or image of any unique ID markings on the cartridge case, at least one image of the breech face of a fired cartridge case compatible with existing law enforcement databases and ballistics comparison systems, and the serial number of the firearm

Submitted for Interview

Amendments not to be entered into the application

Page 3

Application No. 10/790,344
Communication to Examiner dated April 24, 2007

associated with a specific firearm is recorded. Further, the kit may also include a recess for at least one spent cartridge case that has been fired by the firearm. The kit is distributed to a firearm owner at the time of sale by the seller or at a later time by some third party for existing guns. Thus, even if the firearm is lost or stolen, a firearm owner would still be in possession of the firearm identification information on the non-volatile storage medium or the sample spent cartridge case.

Lizotte discloses a system for marking cartridge cases with indicia (geometric images or alphanumeric codes) as the firearm is fired. Lizotte further discloses illuminating a base of the fired cartridge from a firearm, obtaining an image of the encoded geometric images or alphanumeric codes that form the breech face impressions on a cartridge or bullet, and software that reads the encoded codes to provide the serial number or tracking number unique to the firearm that fired the bullet.

Unlike the invention of claim 1, Lizotte does not disclose a kit that is provided to the owner of a gun. Also unlike the invention of claim 1, because the owner of the firearm described in Lizotte does not receive a kit there is obviously no recess for at least one spent cartridge case that has been fired by the firearm. Because Lizotte does not disclose every limitation of claim 1, the reference cannot anticipate the invention of claim 1.

The invention of claim 13 is directed to a method of identifying a firearm that includes obtaining a computer readable storage medium from the owner of a firearm whereby the computer readable storage medium has at least one image of a first spent cartridge case fired by the firearm and an image of a second spent cartridge case. The images of the first and second shells are compared and there is a determination whether the images of the first and second shells match.

Submitted for Interview
Amendments not to be entered into the application

Page 4

Application No. 10/790,344
Communication to Examiner dated April 24, 2007

Thus, as noted above, the method of claim 13 includes the limitation of obtaining from the owner of a firearm a computer readable storage medium which includes at least one image of a first spent cartridge case fired by the firearm.

As noted above, Lizotte discloses a system for marking cartridge cases with indicia (geometric images or alphanumeric codes) as the firearm is fired. Lizotte further discloses illuminating a base of the fired cartridge from a firearm, obtaining an image of the encoded geometric images or alphanumeric codes that form the breech face impressions on a cartridge or bullet, and software that reads the encoded codes to provide the serial number or tracking number unique to the firearm that fired the bullet.

Importantly, while Lizotte may collect images – Lizotte does not disclose a kit that is provided to the owner of a gun. To the contrary, law enforcement officials may use the apparatus and method in Lizotte independent of the firearm owner's knowledge or permission. Because Lizotte does not disclose every limitation of claim 13, the reference cannot anticipate the invention of claim 13.

Respectfully submitted,

By: 

Thomas N. Tarnay
Registration No. 41,341
Attorney for Applicant

TNT/BBK
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3388
Main: (214) 981-3300
Facsimile: (214) 981-3400
April 23, 2007

Submitted for Interview
Amendments not to be entered into the application

Page 5